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EXAMINER	
ROBINSON BOYCE, AKIBA K	

ART UNIT	PAPER NUMBER
3628	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	**Application No.** 10/678,034	**Applicant(s)** NGUYEN ET AL.
	Examiner AKIBA K. ROBINSON BOYCE	**Art Unit** 3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 February 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-9,59,60,62-65 and 68-84* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-9,59,60,62-65 and 68-84* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Status of Claims

1. Due to communications filed 2/17/09, the following is a non-final office action. Claims 1-5, 59, 63, 64, 68, 71, 72 and 74 are amended. Claims 10-58, 61, 66-67 are cancelled, and claims 76-84 have been added. Claims 1-9, 59, 60, 62-65, and 68-84 are pending in this application and have been examined on the merits. The previous rejection has been withdrawn, and claims 1-9, 59, 60, 62-65, and 68-84 are rejected as follows.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-5, 6, 7-9, 59, 60, 62, 63, 64, 65, 68, 69, 71, 72, 74 are rejected under 35 U.S.C. 103(a) as being unpatentable over Irwin et al (US 2003/0187794 A1), and further in view of Durbin et al (US 4,970,658).

As per claims 1, 59, 63, 64, Irwin et al discloses:

a point of service device having a plurality of rules and a plurality of metarules, ([0090], shows the end-device may include a DRE further comprising a generic "event-based" rating Engine and Generic collectors may use meta-rules to process generic events, and shows DRE can include rules and metarules, and metarules are used to process generic events, where the DRE stands for Device Based Rating Engine, which rates/bills for services, w/[0068] shows DRE implemented on user device, w/ [0170], shows that a consumer's device with a DRE and a merchant's Point of Sale (POS) system could collaborate to determine the customer's final price of items based on historical information and e-coupons stored within the consumer's device, thereby suggesting that POS must use the metarules inherently with a set of rules to process data since in order for the POS to collaborate with the end-device/DRE, metarules of the end-device/DRE must be communicate with the POS for collaboration to occur); and

a portable device having a plurality of rules and a plurality of metarules/wherein the portable device and the point of service device are configured to conduct the purchase transaction using a contactless mode of operation, ([0071], The DRE may take advantage of common operating environments available on the next generation set of hand-held and wireless devices);

wherein the portable device and the point of service device use their plurality of rules plurality of rules and plurality of meta-rules to determine an outcome for a purchase transaction/ determining an outcome…, ([0090], shows the end-device may include a DRE further comprising a generic "event-based" rating Engine and Generic collectors may use meta-rules to process generic events, where metarules inherently are derived from a set of rules and events include but are not limited to content consumption events and/or transaction events as shown in [0031] where content consumption events and/or transaction events represents the purchase transaction);

wherein the outcome is a reward, ([0085], offering cross promotional or discounted offerings to subscribers with DRE enabled devices based on rated usage information acquired from DRE enabled customers, wherein this case, rated usage acquired from DRE occurs as a result of a transaction);

Irwin et al does not specifically disclose the following, however does disclose adding, removing, and updating rating rules in a persistent store where rules are maintained past the life span of the RatingEngine, however when the RatingEngine is started again, the rules are bootstraped by reading the persistent store of Rules, in this case, when the RatingEngine is not started (or is past its lifespan), this suggests that the outcome for the transaction can not be determined since old rules are maintained, and in order to determine rules for a transaction, the updated/bootstraped rules must apply in order to determine current transaction values as shown in [0106].

However, Durbin et al discloses that a rule message is searched to determine if any rule conditions remain unexamined or, for rules already determined true, if any rule actions remain incompleted, and if such entries are found, then local routing updater fills in the destination from the next object processor on object routing list, and a next routing counter is incremented in the rule and the rule is forwarded to next instant object, sub-object, or base object 367, as shown in col. 25, lines 44-52. Durbin et al also discloses that Rule messages 137 are passed from AP 5 to I/E 1 to determine variables or provide meta-rules to provide direction to the inference process in col. 10, lines 9-12. It therefore would have been obvious to combine the teachings of Irwin et al and Durbin et al to disclose wherein if the portable device and the point of service device are unable to determine the outcome for the purchase transaction, the point of service device uses its plurality of meta-rules to either determine whether one or more of the plurality of rules in either the portable device or the point of service device can be altered locally in order to determine the outcome or request a service provider system to help determine the outcome using the plurality of rules and the plurality of meta-rules in the service provider system/wherein if the portable device and the point of service device are unable to determine the outcome for the purchase transaction, the point of service device uses its plurality of meta-rules to request the service provider system to help determine the outcome using the plurality of rules or the plurality of meta-rules in the service provider system/wherein the plurality of meta-rules in the point of service device includes a meta-rule for replacing at least one rule in the plurality of rules in the point of service device with another rule.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to utilize meta-rules if unable to determine an outcome of a transaction with the motivation of using a set of rules that can be adjusted to accommodate for the determination of a transaction.

As per claims 2, 3, Irwin et al discloses:

A network gateway, ([0004], shows common to use network gateways)

having a plurality of rules and a plurality of meta rules, ([0090], shows the end-device may include a DRE further comprising a generic "event-based" rating Engine and Generic collectors may use meta-rules to process generic events, and shows DRE can include rules and metarules, and metarules are used to process generic events, where the DRE stands for Device Based Rating Engine, which rates/bills for services);

Irwin et al does not specifically disclose the following, however does disclose adding, removing, and updating rating rules in a persistent store where rules are maintained past the life span of the RatingEngine, however when the RatingEngine is started again, the rules are bootstraped by reading the persistent store of Rules, in this case, when the RatingEngine is not started (or is past its lifespan), this suggests that the outcome for the transaction can not be determined since old rules are maintained, and in order to determine rules for a transaction, the updated/bootstraped rules must apply in order to determine current transaction values as shown in [0106].

However, Durbin et al discloses that a rule message is searched to determine if any rule conditions remain unexamined or, for rules already determined true, if any rule actions remain incompleted, and if such entries are found, then local routing updater fills in the destination from the next object processor on object routing list, and a next routing counter is incremented in the rule and the rule is forwarded to next instant object, sub-object, or base object 367, as shown in col. 25, lines 44-52. Durbin et al also discloses that Rule messages 137 are passed from AP 5 to I/E 1 to determine variables or provide meta-rules to provide direction to the inference process in col. 10, lines 9-12. It therefore would have been obvious to combine the teachings of Irwin et al and Durbin et al to disclose wherein if the portable device and the point of service device are unable to determine the outcome, the point of service device uses its plurality of meta-rules to either determine whether one or more of the plurality of rules in either the portable device or the point of service device can be altered locally in order to determine the outcome or request the network gateway to help determine the outcome using the plurality of rules and the plurality of meta-rules in the network gateway/if the outcome cannot be determined using the plurality of rules in the point of service device, using the plurality of meta-rules in the point of service device to either determine whether one or more of the plurality of rules in the point of service device can be altered locally in order to determine the outcome or request a network gateway to help determine the outcome using a plurality of rules and a plurality of meta-rules in the network gateway/wherein if the network gateway is unable to determine the outcome using its plurality of rules, the network gateway uses its associated plurality of meta-rules to either determine whether one or more of its associated plurality of rules can be altered locally in order to determine the outcome or request a second network gateway or a first service provider to help determine the outcome using the plurality of rules and the plurality of meta-rules in the service provider system.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to utilize meta-rules if unable to determine an outcome of a transaction with the motivation of using a set of rules that can be adjusted to accommodate for the determination of a transaction.

As per claims 4, 5, Irwin et al discloses:

wherein the point of service device uses historical purchase transaction information to update the plurality of rules and the plurality of meta-rules in the portable device in order to render processing of purchase transactions more efficient/wherein the service provider system uses historical purchase transaction information to update the plurality of rules and the plurality of meta-rules associated respectively with the portable device and the point of service device in order to render processing of purchase transactions more efficient/wherein the first node uses historical purchase transaction information to update the plurality of rules and the plurality of meta-rules in a node having a node order that is equal to or lower than that of the first noted in order to render processing of purchase transactions more efficient ,([0065], history of past occurrences).

As per claims 6, 69, Irwin et al discloses:

A service provider system including an associated plurality of rules and an associated plurality of meta-rules, ([0090], shows the end-device may include a DRE further comprising a generic "event-based" rating Engine and Generic collectors may use meta-rules to process generic events, inherently a set of rules);

a point of service device having associated therewith a plurality of rules and an associated plurality of meta-rules, ([0090], shows the end-device may include a DRE further comprising a generic "event-based" rating Engine and Generic collectors may use meta-rules to process generic events w/ [0170], shows that a consumer's device with a DRE and a merchant's Point of Sale (POS) system could collaborate to determine the customer's final price of items based on historical information and e-coupons stored within the consumer's device, thereby suggesting that POS must use the metarules inherently being a set of rules to process data since in order for the POS to collaborate with the end-device/DRE, metarules of the end-device/DRE must be communicate with the POS for collaboration to occur; and

a portable device having associated therewith a plurality of rules and an associated plurality of meta-rules, ([0071], The DRE may take advantage of common operating environments available on the next generation set of hand-held and wireless devices);

wherein the portable device and the point of service device use their associated plurality of rules plurality of rules and plurality of meta-rules to determine an outcome for a purchase transaction/ determining an outcome…, ([0090], shows the end-device may include a DRE further comprising a generic "event-based" rating Engine and Generic collectors may use meta-rules to process generic events, where metarules inherently are derived from a set of rules and events include but are not limited to content consumption events and/or transaction events as shown in [0031] where content consumption events and/or transaction events represents the purchase transaction);

wherein the outcome is a reward, ([0085], offering cross promotional or discounted offerings to subscribers with DRE enabled devices based on rated usage information acquired from DRE enabled customers, wherein this case, rated usage acquired from DRE occurs as a result of a transaction);

wherein the outcome for the transaction includes a price, ([0065], calculate a price);

and wherein the point of service device is a vending machine, ([0078], vending machine).

Irwin et al does not specifically disclose the following, however does disclose adding, removing, and updating rating rules in a persistent store where rules are maintained past the life span of the RatingEngine, however when the RatingEngine is started again, the rules are bootstraped by reading the persistent store of Rules, in this case, when the RatingEngine is not started (or is past its lifespan), this suggests that the outcome for the transaction can not be determined since old rules are maintained, and in order to determine rules for a transaction, the updated/bootstraped rules must apply in order to determine current transaction values as shown in [0106].

However, Durbin et al discloses that a rule message is searched to determine if any rule conditions remain unexamined or, for rules already determined true, if any rule actions remain incompleted, and if such entries are found, then local routing updater fills in the destination from the next object processor on object routing list, and a next routing counter is incremented in the rule and the rule is forwarded to next instant object, sub-object, or base object 367, as shown in col. 25, lines 44-52. Durbin et al also discloses that Rule messages 137 are passed from AP 5 to I/E 1 to determine variables or provide meta-rules to provide direction to the inference process in col. 10, lines 9-12. It therefore would have been obvious to combine the teachings of Irwin et al and Durbin et al to disclose wherein if the portable device and the point of service device are unable to determine the outcome for the purchase transaction, the point of service device uses its associated plurality of meta-rules to request the service provider system to help determine the outcome using the plurality of rules and the plurality of meta-rules in the service provider system/wherein the plurality of meta-rules in the point of service device includes a meta-rule for replacing at least one rule in the plurality of rules in the point of service device with another rule.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to utilize meta-rules if unable to determine an outcome of a transaction with the motivation of using a set of rules that can be adjusted to accommodate for the determination of a transaction.

As per claim 7, Irwin et al discloses:

Wherein the system is implemented using software, hardware or a combination of both, ([0061], software, hardware).

As per claim 8, Irwin et al discloses:

wherein the portable device includes a smart card, a memory stick, a dongle, a personal digital assistant, a cellular phone and a pager, ([0064], pagers, cell phones pda’s).

As per claim 9, Irwin et al discloses:

wherein the point of service device includes a personal computer, a point of sale device, a kiosk, an automatic teller machine and a cellular phone, ([0078], kiosk).

As per claims 60, 65, Irwin et al discloses:

Wherein the point of service device is a vending machine, ([0078], vending machine).

As per claim 62, 68, Irwin et al discloses:

Wherein the outcome is determined using a price computation process, ([0065], As a rating system, the DRE may calculate a price for some actual or potential occurrence).

As per claims 71, 72 and 74, Irwin et al discloses:

wherein the point of service device is further configured to measure environmental information including the time, temperature, weather, or *geographical location*, ([0066], recognition of its geographic location and the ability to consume location-based services)

As per claim 76, Irwin et al discloses:

conducting a transaction between a portable device having a plurality of rules and a plurality of meta-rules and a point of service device having a plurality of rules and a plurality of meta-rules, ([0090], shows the end-device may include a DRE further comprising a generic "event-based" rating Engine and Generic collectors may use meta-rules to process generic events, and shows DRE can include rules and metarules, and metarules are used to process generic events, where the DRE stands for Device Based Rating Engine, which rates/bills for services, w/[0068] shows DRE implemented on user device, w/ [0170], shows that a consumer's device with a DRE and a merchant's Point of Sale (POS) system could collaborate to determine the customer's final price of items based on historical information and e-coupons stored within the consumer's device, thereby suggesting that POS must use the metarules inherently with a set of rules to process data since in order for the POS to collaborate with the end-device/DRE, metarules of the end-device/DRE must be communicate with the POS for collaboration to occur);

wherein the portable device and the point of service device use their plurality of rules and plurality of meta-rules to determine an outcome for a purchase transaction, ([0090], shows the end-device may include a DRE further comprising a generic "event-based" rating Engine and Generic collectors may use meta-rules to process generic events, where metarules inherently are derived from a set of rules and events include but are not limited to content consumption events and/or transaction events as shown in [0031] where content consumption events and/or transaction events represents the purchase transaction);

Irwin et al does not specifically disclose the following, however does disclose adding, removing, and updating rating rules in a persistent store where rules are maintained past the life span of the RatingEngine, however when the RatingEngine is started again, the rules are bootstraped by reading the persistent store of Rules, in this case, when the RatingEngine is not started (or is past its lifespan), this suggests that the outcome for the transaction can not be determined since old rules are maintained, and in order to determine rules for a transaction, the updated/bootstraped rules must apply in order to determine current transaction values as shown in [0106].

However, Durbin et al discloses that a rule message is searched to determine if any rule conditions remain unexamined or, for rules already determined true, if any rule actions remain incompleted, and if such entries are found, then local routing updater fills in the destination from the next object processor on object routing list, and a next routing counter is incremented in the rule and the rule is forwarded to next instant object, sub-object, or base object 367, as shown in col. 25, lines 44-52. Durbin et al also discloses that Rule messages 137 are passed from AP 5 to I/E 1 to determine variables or provide meta-rules to provide direction to the inference process in col. 10, lines 9-12. It therefore would have been obvious to combine the teachings of Irwin et al and Durbin et al to disclose wherein if the portable device and the point of service device are unable to determine the outcome for the purchase transaction, the point of service device uses its associated plurality of meta-rules to request the service provider system to help determine the outcome using the plurality of rules and the plurality of meta-rules in the service provider system/wherein the plurality of meta-rules in the point of service device includes a meta-rule for replacing at least one rule in the plurality of rules in the point of service device with another rule.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to utilize meta-rules if unable to determine an outcome of a transaction with the motivation of using a set of rules that can be adjusted to accommodate for the determination of a transaction.

As per claim 77, Irwin et al discloses:

wherein the outcome is a reward, ([0085], offering cross promotional or discounted offerings to subscribers with DRE enabled devices based on rated usage information acquired from DRE enabled customers, wherein this case, rated usage acquired from DRE occurs as a result of a transaction);

As per claim 78, Irwin et al discloses:

wherein the outcome is determined using a price computation process, ([0065], As a rating system, the DRE may calculate a price for some actual or potential occurrence).

As per claim 79, Irwin et al does not specifically disclose the following, however does disclose adding, removing, and updating rating rules in a persistent store where rules are maintained past the life span of the RatingEngine, however when the RatingEngine is started again, the rules are bootstraped by reading the persistent store of Rules, in this case, when the RatingEngine is not started (or is past its lifespan), this suggests that the outcome for the transaction can not be determined since old rules are maintained, and in order to determine rules for a transaction, the updated/bootstraped rules must apply in order to determine current transaction values as shown in [0106].

However, Durbin et al discloses that a rule message is searched to determine if any rule conditions remain unexamined or, for rules already determined true, if any rule actions remain incompleted, and if such entries are found, then local routing updater fills in the destination from the next object processor on object routing list, and a next routing counter is incremented in the rule and the rule is forwarded to next instant object, sub-object, or base object 367, as shown in col. 25, lines 44-52. Durbin et al also discloses that Rule messages 137 are passed from AP 5 to I/E 1 to determine variables or provide meta-rules to provide direction to the inference process in col. 10, lines 9-12. It therefore would have been obvious to combine the teachings of Irwin et al and Durbin et al to disclose wherein if the portable device and the point of service device are unable to determine the outcome, the point of service device uses its plurality of meta-rules to either determine whether one or more of the plurality of rules in either the portable device or the point of service device can be altered locally in order to determine the outcome or request the network gateway to help determine the outcome using the plurality of rules and the plurality of meta-rules in the network gateway.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to utilize meta-rules if unable to determine an outcome of a transaction with the motivation of using a set of rules that can be adjusted to accommodate for the determination of a transaction.

As per claim 80, Irwin et al discloses:

wherein the point of service device is further configured to determine information including the time, temperature, weather, or geographical location ([0066], recognition of its geographic location and the ability to consume location-based services).

As per claim 82, Irwin et al does not specifically disclose the following, however does disclose adding, removing, and updating rating rules in a persistent store where rules are maintained past the life span of the RatingEngine, however when the RatingEngine is started again, the rules are bootstraped by reading the persistent store of Rules, in this case, when the RatingEngine is not started (or is past its lifespan), this suggests that the outcome for the transaction can not be determined since old rules are maintained, and in order to determine rules for a transaction, the updated/bootstraped rules must apply in order to determine current transaction values as shown in [0106].

However, Durbin et al discloses that a rule message is searched to determine if any rule conditions remain unexamined or, for rules already determined true, if any rule actions remain incompleted, and if such entries are found, then local routing updater fills in the destination from the next object processor on object routing list, and a next routing counter is incremented in the rule and the rule is forwarded to next instant object, sub-object, or base object 367, as shown in col. 25, lines 44-52. Durbin et al also discloses that Rule messages 137 are passed from AP 5 to I/E 1 to determine variables or provide meta-rules to provide direction to the inference process in col. 10, lines 9-12. It therefore would have been obvious to combine the teachings of Irwin et al and Durbin et al to disclose wherein if the portable device and the point of service device are unable to determine the outcome, the point of service device uses its plurality of meta-rules to request the network gateway to help determine the outcome using the plurality of rules and a plurality of meta-rules in the network gateway.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to utilize meta-rules if unable to determine an outcome of a transaction with the motivation of using a set of rules that can be adjusted to accommodate for the determination of a transaction.

As per claim 83, Irwin et al does not specifically disclose the following, however does disclose adding, removing, and updating rating rules in a persistent store where rules are maintained past the life span of the RatingEngine, however when the RatingEngine is started again, the rules are bootstraped by reading the persistent store of Rules, in this case, when the RatingEngine is not started (or is past its lifespan), this suggests that the outcome for the transaction can not be determined since old rules are maintained, and in order to determine rules for a transaction, the updated/bootstraped rules must apply in order to determine current transaction values as shown in [0106].

However, Durbin et al discloses that a rule message is searched to determine if any rule conditions remain unexamined or, for rules already determined true, if any rule actions remain incompleted, and if such entries are found, then local routing updater fills in the destination from the next object processor on object routing list, and a next routing counter is incremented in the rule and the rule is forwarded to next instant object, sub-object, or base object 367, as shown in col. 25, lines 44-52. Durbin et al also discloses that Rule messages 137 are passed from AP 5 to I/E 1 to determine variables or provide meta-rules to provide direction to the inference process in col. 10, lines 9-12. It therefore would have been obvious to combine the teachings of Irwin et al and Durbin et al to disclose altering one or more of the plurality of rules in either the portable device or the point of service device after the point of service device is unable to determine the outcome.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to utilize meta-rules if unable to determine an outcome of a transaction with the motivation of using a set of rules that can be adjusted to accommodate for the determination of a transaction.

As per claim 84, Irwin et al discloses:

requesting, by the point of service device, a network gateway to help determine the outcome using the plurality rules and a plurality of meta-rules in the network gateway, ([0004], and ([0090], shows the end-device may include a DRE further comprising a generic "event-based" rating Engine and Generic collectors may use meta-rules to process generic events, and shows DRE can include rules and metarules, and metarules are used to process generic events, where the DRE stands for Device Based Rating Engine, which rates/bills for services);

4. Claims 70, 73, 75, 81, are rejected under 35 U.S.C. 103(a) as being unpatentable over Irwin et al (US 2003/0187794 A1), and further in view of Durbin et al (US 4,970,658), and further in view of Fare et al, (US 2004/0204078 A1).

As per claims 70, 81, neither Irwin et al nor Durbin et al fail disclose the following, but Irwin et al does disclose a pos system in [0170], and discloses the use of pagers, cell phones pda's in [0064].

However, Fare et al discloses a self-service system and method of loading an executable transaction application program from a self-service terminal, (where a point of service terminal can also be incorporated as shown in [0039]) to a portable electronic device comprising:

wherein the point of service device is a phone, ([0039], shows POS terminal can be used with Bluetooth technology, and therefore obvious to use a phone). Fare et al discloses this limitation in an analogous art for the purpose of showing that Bluetooth devices such as wireless phones can be used with his system.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention for the point of service device to be a phone with the motivation of allowing a user to use a phone to complete the transaction.

As per claims 73 and 75, Irwin et al discloses:

wherein the point of service device and the portable device are configured to mutually authenticate each other prior to information exchange, ([0178], The DRE POS authentication utility may be configured to trust the device if the token can successfully be decrypted without further validation).

Response to Arguments

5. Applicant's arguments with respect to claims 1-9, 59, 60, 62-65, and 68-84 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Akiba K Robinson-Boyce whose telephone number is 571-272-6734. The examiner can normally be reached on Monday-Friday 9am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, John Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the •Patent Application Information Retrieval (PAIR) system, Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

A. R. B.
May 18, 2009

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